



**WILLIAM J. SCOTT**  
ATTORNEY GENERAL  
STATE OF ILLINOIS  
SPRINGFIELD



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FILE NO. 8-1158

**GOVERNMENTAL ETHICS AND  
CONFLICT OF INTEREST:  
Status of Precinct  
Registrars Under Illinois  
Governmental Ethics Act.**

William J. Laurino, Chairman  
House Election Committee  
4346 W. Lawrence  
Chicago, Illinois 60630

Dear Mr. Laurino:

This responds to your letter requesting my opinion as to whether elected precinct committeemen serving as precinct registrars are required to file statements of economic interest pursuant to section 4A-101(g) of the Illinois Governmental Ethics Act (Ill. Rev. Stat. 1975, ch. 127, par. 604A-101(g)). In my opinion, they are not.

William J. Laurino - 2.

Section 4A-101 of the Illinois Governmental Ethics

Act provides in pertinent part that:

"The following persons shall file verified written statements of economic interests, as provided in this Article:

\* \* \*

(g) Persons who are elected to an office in a school district, defined to include community college district, or in a unit of local government as defined by the Illinois Constitution, and candidates for nomination or election to such office;

\* \* \*

As you note in your letter, sections 4-6.2 and 6-50.2 of The Election Code (Ill. Rev. Stat. 1975, ch. 46, pars. 4-6.2 and 6-50.2) were recently amended to provide that precinct committeemen, in counties with a population of less than 500,000 and in municipalities having a board of election commissioners, are to be appointed "precinct registrars". Both sections 4-6.2 and 6-50.2 provide that precinct registrars "shall be deputy registrars" with all attendant powers and duties.

In order to answer the question you raise, it is necessary to determine whether an elected precinct committee-

William J. Laurino - 3.

man who is appointed precinct registrar pursuant to The Election Code is "elected to an office \* \* \* in a unit of local government" within the meaning of the Illinois Governmental Ethics Act.

As in any case involving the construction of a statute, the object is to ascertain and give effect to the intention of the General Assembly. (People ex rel. Kucharski v. Adams, 48 Ill. 2d 540.) The intent of the legislature in enacting section 4A-101(g) seems clearly to have been to require those individuals elected to or nominated for public office at the local governmental level to file statements of economic interest. In my opinion, precinct committeemen of the state's political parties are not encompassed by that legislative intent, despite the fact that they are given the function of assisting in the registration of voters.

It has been held consistently in Illinois that committeemen of the state's political parties are not public officers. (Rouse v. Thompson, 228 Ill. 522; People v. Brady, 302 Ill. 576; People v. Kramer, 328 Ill. 512; and Telcser v.

William J. Laurino - 4.

Holzman, 31 Ill. 2d 332.) In Rouse v. Thompson, at 537-538,

the court stated that:

"\* \* \* The several county central committees of the several political parties in this State, as such, are not created by any statute. They in no way represent the State or any political division thereof, and cannot be classified as belonging to either the legislative, executive or judicial departments of the State. They represent only a political party, and that party may only represent a vote equal to two per cent of the vote cast for president at the preceding presidential election. Such committees are not, therefore, officers of the State, but are the representatives of voluntary associations.\* \* \*"

In my opinion No. S-1007, issued December 5, 1975, I advised that this principle continued to apply to county central committeemen even though they are authorized to perform certain functions under The Election Code.

The same rationale is applicable here. The position of precinct committeeman is not a public office. Rather, as the Supreme Court has consistently held, such individuals are merely representatives of voluntary private organizations. The fact that the General Assembly has chosen to call upon these individuals to aid in the registration of voters does not change this fact.

William J. Laurino - 5.

Therefore, I am of the opinion that precinct committeemen acting as precinct registrars pursuant to sections 4-6.2 and 6-50.2 of The Election Code need not file statements of economic interest under section 4A-101(g) of the Illinois Governmental Ethics Act.

Very truly yours,

A T T O R N E Y   G E N E R A L